

Climate Change and Food Security

**The Legal Aspects with Special Focus
on the European Union**

*To Michał, Pola, Marysia and Janek
and Future Generations*

Monika Adamczak-Retecka
Olga Śniadach

Climate Change and Food Security

The Legal Aspects with Special Focus
on the European Union

Gdańsk University Press
Gdańsk 2018

Reviewer
Dr hab. Robert Grzeszczak, prof. UW

Proofreading
Anna Skrzyniecka

Technical Editor
Maria Kosznik

Cover and Title Pages Design
Karolina Zarychta

Created by Freepik

The maps and graphs in this book were used with the kind permission
of the European Environment Agency

Typesetting and Page Layout
Mariusz Szewczyk

The following book constitutes a part of the research conducted within the
framework of the project funded by the grant no. 2014/15/D/HS5/02678 „Climate
change and food security – the legal aspects with special focus on the European
Union”, financed
by the National Science Centre of Poland

© Copyright by Uniwersytet Gdańskiego
Wydawnictwo Uniwersytetu Gdańskiego

ISBN 978-83-7865-671-5

Gdańsk University Press
ul. Armii Krajowej 119/121, 81-824 Sopot
tel./fax 58 523 11 37, tel. 725 991 206
e-mail: wydawnictwo@ug.edu.pl
www.wyd.ug.edu.pl

Online bookstore: www.kiw.ug.edu.pl

SPIS TREŚCI

About the Authors	9
Preface	11
Acknowledgements	13
List of Abbreviations	15
Introduction	17
1. Reasons for this research	17
2. Problem definition	18
3. Research questions, structure and methodology	22
Chapter I. Setting the Scene	27
1. General remarks	27
2. Terminology	28
3. Fundamental concepts	30
3.1. Climate as common good	30
3.2. Solidarity and human rights	31
3.2.1. Solidarity	31
3.2.2. The right to environment	34
3.2.3. Climate change and human rights	38
3.3. Good governance	41
4. The legal framework	44
4.1. The international law	44
4.2. EU hard law	45
4.3. EU soft law	48

5. Institutions and agencies	53
5.1. International level	53
5.1.1. United Nations	54
5.1.2. COP	55
5.1.3. FAO	55
5.2. European level	56
5.2.1. European institutions	57
5.2.2. European agencies	60
 Chapter II. Climate law	63
1. General remarks	63
2. The EU & Environment	69
2.1. The development of European Environmental Law	69
2.2. The objectives of European Environmental Law	69
2.3. The principles of European Environmental Law in relation to Climate Law	73
2.3.1. Principle of sustainable development	73
2.3.2. Precautionary principle	75
2.3.3. The principle of inter- and intragenerational justice	76
2.3.4. The principle of common but differentiated responsibilities	77
2.3.5. The principle of preventive action	78
2.3.6. The polluter pays principle	78
2.3.7. The principle of good neighbourliness	79
3. Governing climate change	80
3.1. The international perspective	80
3.1.1. The Climate Convention	80
3.1.2. The Kyoto Protocol	81
3.1.3. The Paris Agreement	83
3.2. The EU perspective	84
3.2.1. Legal basis	84
3.2.2. Implementing the Kyoto Protocol	87
3.2.3. Adaptation strategy	92

SPIS TREŚCI

Chapter III. Food security	95
1. General remarks	95
2. Agriculture	99
2.1. The future of food and agriculture	99
2.2. New objectives of the CAP	103
2.3. Aquaculture	105
3. Food security and human rights	107
3.1. Food security	107
3.2. Right to food	110
4. Governing food security	116
4.1. The international perspective	116
4.2. The EU perspective	118
Chapter IV. Climate change and food (in)security go in pair	123
1. General remarks	123
2. Climate change and food security as global problems	126
2.1. Global problems	126
2.2. Global concepts	128
3. „Green” participation	131
3.1. Public Participation in Environmental Matters	131
3.2. The „green” participation of NGOs	133
3.3. Transnational networks	136
3.3.1. Civil society organisations	136
3.3.2. Corporate social responsibility	137
3.3.3. EU Digital society	138
Conclusion	141
Literature	149
Table of cases	159